

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 SSM-05 SSO-00 NSCE-00
USIE-00 INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07
L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15
IO-13 EUR-12 SSC-01 /083 W
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O R 131408Z APR 77
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 5700
INFO AMEMBASSY AMMAN
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMCONSUL JERUSALEM

UNCLAS TEL AVIV 2611

E.O. 11652: N/A
TAGS: PGOV, IS
SUBJECT: RABIN DECIDES TO REMAIN PRIME MINISTER

1. PRIME MINISTER YITZHAK RABIN ANNOUNCED TO THE WEEKLY CABINET SESSION APRIL 12 THAT HE WILL REMAIN IN OFFICE UNTIL A NEW GOVERNMENT IS FORMED. RABIN'S STATEMENT CAME AFTER HE HAD TABLED THE OPINION OF ATTORNEY GENERAL AHARON BARAK ON THE CONSTITUTIONAL PROBLEM OF A PRIME MINISTER RESIGNING FROM A CARE-TAKER GOVERNMENT.

2. THE OPINION EXAMINES TWO HYPOTHESES FOR TERMINATING THE INCUMBENCY OF A PRIME MINISTER: RESIGNING FROM THE KNESSET (A PRIME MINISTER MUST BE AN MK), AND A RESHUFFLING OF CABINET PROTFOLIOS. BOTH POSSIBILITIES WERE DEMOLISHED BY THE ATTORNEY GENERAL. BARAK SETTLED ON ONE LOOPHOLE--PARAGRAPH 19 OF THE BASIC LAW WHICH STATES: "IF THE PRIME MINISTER
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IS ABSENT FROM ISRAL OR IS TEMPORARILY UNABLE TO CARRY OUT HIS FUNCTIONS,THE GOVERNMENT SHALL DESIGNATE ANOTHER MINISTER TO ACT IN HIS PLACE UNTIL HE RETUNNS TO ISRAEL OR AGAIN CARRIES OUT HIS FUNCIONS."

3. THE ATTORNEY GENERAL HELD THAT LEAVE OF

ABSENCE CANNOT SERVE AS A SUBSTITUTE FOR RESIGNATION AND CANNOT EXEMPT THE PRIME MINISTER FROM HIS CONSTITUTIONAL RESPONSIBILITIES. HOWEVER, HE HELD THAT "UNABLE TO CARRY OUT HIS FUNCTIONS" CAN BE INTERPRETED LIBERALLY, MEANING THAT A SUBJECTIVE TEST MAY BE USED TO DECIDE THE QUESTION WHETHER THE PRIME MINISTER IS ABLE TO CARRY OUT HIS RESPONSIBILITIES.

4. THE FACT THAT RABIN HAS CHOSEN NOT TO TAKE ADVANTAGE OF THE LOOPHOLE HAS ANGERED PERES' SUPPORTERS WHO HAD EXPECTED HIM TO RETIRE TO THE POLITICAL WINGS (TEL AVIV 2554) AND RAISES QUESTIONS WHETHER RABIN IS HAVING SECOND THOUGHTS ABOUT HIS POLITICAL FUTURE. THE JERUSALEM POST, FOR EXAMPLE, WONDERS IF RABIN INTENDS TO REMAIN "STRATEGICALLY LOCATED AT LABOR'S TOP, NOT ONLY IN THE KNESSET BUT ALSO IN THE CABINET, IN ORDER TO BE ABLE TO CHALLENGE MR. PERES IN DUE COURSE."

5. THE PRESS HAS ALSO BEGUN TO DEMAND AN AMENDMENT TO THE BASIC LAW TO ALLOW FOR REPLACING A PRIME MINISTER IN THESE CIRCUMSTANCES, AND EVEN PRIOR TO THE CABINET MEETING THE LIKUD CALLED FOR A SPECIAL KNESSET SESSION NEXT WEEK TO CONSIDER SUCH LEGISLATION. HOWEVER, JUSTICE MINISTER HAIM ZADOK SAID HE OPPOSED "HASTY LEGISLATION" ON THE MATTER AND WOULD INSTEAD SET UP A COMMITTEE OF EXPERTS TO REPORT ON THE MATTER TO THE NEXT UNCLASSIFIED

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KNESSET.

6. COMMENT: WHEN HE ANNOUNCED HIS RESIGNATION FROM THE ALIGNMENT LEADERSHIP, RABIN INDICATED THAT IF LEGALLY POSSIBLE HE WOULD ALSO DISENGAGE FROM THE PREMIERSHIP. IF HE HAS IN FACT HAD A CHANGE OF HEART, THE WIDESPREAD SYMPATHY EVOKED BY HIS PROMPT ACTION LAST WEEK (WHICH COULD HAVE REDOUNDED TO THE BENEFIT OF THE ALIGNMENT) MAY TURN TO RESENTMENT. HOLDING ON TO THE POST OF PRIME MINISTER APPEARS TO BE THE ONLY EXCEPTION TO AN OTHERWISE SMOOTH TRANSFER OF POWER FROM RABIN TO PERES. HAARETZ HAS ALREADY CALLED THE SITUATION "INTOLERABLE" AND THE OPPOSITION PARTIES CAN BE EXPECTED TO EXPLOIT THE ISSUE.
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Disposition Approved on Date:
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
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